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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/575,410	05/19/2000	Marc David Abrahams	66181	1007

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EXAMINER

JACKSON, JENISE E

ART UNIT PAPER NUMBER

2131

DATE MAILED: 12/04/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/575,410

Applicant(s)

ABRAHAMS, MARC DAVID

Examiner

Jenise E Jackson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3. 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gottfried in view of Price-Francis.
3. As per claims 1, 8-9, 11, 20, Gottfried discloses a method of on-line authentication(see fig. 5 and 6, sheet 4, col. 8, lines 60-67), receiving through a computer network a communication indicating that authentication is needed(see fig. 5 and 6, sheet 4, col. 3, lines 26-37); sending through the computer network one request for entry of the selected fingerprint(see col. 3, lines 26-37, col. 9, lines 9-10); receiving fingerprint data through the computer network in response to the one request for entry of the selected fingerprint(see col. 3, lines 26-37, col. 9, lines 18-20); and comparing the received fingerprint data to fingerprint data stored in a database(see col. 3, lines 50-53, col. 9, lines 18-28).
4. Gottfried discloses that one/single fingerprint is requested for authentication(see col. 3, lines 26-37), not fingerprints as claimed. More specifically, Gottfried does not disclose obtaining a first number that indicates how many fingerprints will be requested for authentication, and Gottfried does not disclose randomly selecting which fingerprints will be requested. Price-Francis discloses obtaining a first number that indicates how many fingerprints

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will be requested for authentication(see col.4, lines 58-59 of Price-Francis), and discloses randomly selecting which fingerprints will be requested(see col. 5, lines 38-40).

5. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to include Price-Francis method of randomly selecting which fingerprints will be requested, and obtaining a first number that indicates how many fingerprints will be requested for authentication, with Gottfried, the motivation is that false rejections are very common on the single fingerprint identification systems(see col. 2, lines 3-4 of Price-Francis), and including the limitations in Price-Francis(see above) with Gottfried provides more accuracy of the system because more than one fingerprint is measured(see col. 1, lines 66-67, col. 2, lines 1-3 of Price-Francis), and the random nature of request impedes criminal activity(see col. 5, lines 37-40 of Price-Francis).

6. As per claim 2, Price-Francis discloses randomly selecting the first number(see col. 4, lines 50-61).

7. As per claim 3, Price-Francis discloses retrieving the first number from the database(see col. 4, lines 50-61, col. 6, lines 35-39).

8. As per claim 4, Price-Francis discloses wherein the first number is equal to or less than a total number of fingerprints stored in the database for a particular user(see col. 4, lines 50-61).

9. As per claim 5, Price-Francis discloses randomly selecting fingerprints from a total number of fingerprints stored in the database for a particular user(see col. 4, lines 50-61, col. 5, lines 5-10).

10. As per claim 6, Gottfried discloses detecting through the computer network whether a client computer has a fingerprint reader(20)(see fig. 3, sheet 2).

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11. As per claim 7, Price-Francis discloses receiving set-up data for a particular user ; and storing the received set-up data in the database(see col. 4, lines 50-61).

12. As per claim 8, limitations have already been addressed(see claim 1 above). Also, claim 8, discloses assigning a number to each entered fingerprint that is consistent with a number intended by a user who entered the fingerprints, the Examiner asserts that Price-Francis inherently discloses this because Price-Francis discloses that more than one fingerprint can be assigned to a user(see col. 4, lines 50-61), and that the fingerprints requested are randomly chosen(see col. 5, lines 21-26).

13. As per claim 10, Price-Francis discloses wherein the first number is greater than or equal to zero and less than or equal to the total number(see col. 4, lines 50-61).

14. As per claims 12-13, the Examiner takes Official Notice that it is well-known in the art of access control that if biometrics, and more specifically that if a fingerprint reader is not enabled on a network, that a username and password should be used for authentication, the motivation is that if one access control method is unavailable, that another access control method such as username and password should be available because it allows one to be authenticated such that it prevents unauthorized users from obtaining access to the network.

15. As per claim 14, limitations have already addressed(see claim 1, 7).

16. As per claim 15, rejected under same limitations as claim 2.

17. As per claim 16, rejected under the same limitations as claim 3.

18. As per claim 17, rejected under same limitations as claim 4.

19. As per claim 18, rejected under the same limitations as claim 7.

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20. As per claim 19, Price-Francis discloses configured to send through the computer network a request for a total number that indicates how many fingerprints to hold for authentication(see col. 4, lines 50-61).

21. As per claim 21, rejected under the same limitations as claim 8.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jenise E Jackson whose telephone number is (703) 306-0426. The examiner can normally be reached on M-Th (6:00 a.m. - 3:30 p.m.) alternate Friday's.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (703) 305-9648. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-0040 for regular communications and (703) 308-6306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



December 1, 2003



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